

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Keith M. Whitaker, Sr., :  
Plaintiff(s), : Case Number: 1:09cv388  
vs. : Chief Judge Susan J. Dlott  
Marty V. Donini, et al., :  
Defendant(s). :  
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on August 29, 2011 (Doc. 114), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 23, 2012, hereby ADOPTS said Report and Recommendation. Plaintiff did request a third extension of time to file objections to the Report and Recommendation (Doc. 122) which the Court denied.

Accordingly, defendants' motions for summary judgment (Docs. 68, 70 and 73) are **GRANTED**. The remaining pending motions are **DENIED** as **MOOT** (Docs. 99 and 111). Therefore, judgment is entered in favor of defendants on plaintiff's federal claims.

The Court declines to exercise supplemental jurisdiction over plaintiff's state claims and dismiss those claims without prejudice.

The Court will certify pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this Order will not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court